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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,400	03/19/2001	Lester F. Ludwig	LUDW-001/02-03US	7356

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THE MAXHAM FIRM  
750 "B" STREET, SUITE 3100  
SAN DIEGO, CA 92101

EXAMINER
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FLETCHER, MARLON T

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/812,400

**Applicant(s)**

LUDWIG, LESTER F.O

**Examiner**

Marlon T Fletcher

**Art Unit**

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,7-15 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-15 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

### DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7-15, and 18-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sgroi ('048) in view of Gruenbaum (5,565,641).

As recited in claims 1 and 2, Sgroi discloses a system for the generation of at least one outgoing real-time digital control signal based on at least one incoming control signal, the system comprising: an incoming control signal interface (54) adapted to receive the at least one incoming control signal; at least one control signal generator (62) adapted to generate the at least one outgoing real-time digital control signal based on the at least one incoming control signal, an outgoing control signal interface (66) adapted to communicate the generated at least one outgoing real-time digital control signal; and wherein the at least one incoming control signal is used to control events (58) and parameters associated with the at least one control signal generator as seen in figure 3.

As recited in claims 3 and 13, Sgroi discloses the system, wherein said at least one outgoing real-time digital control signal is in the form of a MIDI message (figure 4).

As recited in claims 4 and 14, Sgroi discloses the method, wherein said at least one outgoing real-time digital control signal is in the form of a MIDI message (figure 4).

As recited in claims 7-12, Sgroi discloses the system, wherein the at least one control signal generator comprises an envelope generator with at least one parameter controlled by the at least one incoming control signal; wherein the at least one control signal generator comprises a ramp generator with at least one parameter controlled by the at least one incoming control signal; wherein the at least one control signal generator comprises a slew limiter with at least one parameter controlled by the at least one incoming control signal as can be seen in figures 1 and 3, wherein as discussed in relation to figures 1 and 3, variations are applied to the incoming signals.

As recited in claim 15, Sgroi discloses the method for generating at least one outgoing digital control signal utilizing at least one control signal processor (62), the method comprising: processing a first incoming real-time control signal (figures 1, 3, and 4); processing a second incoming control signal (figures 1, 3, and 4); generating the at least one outgoing digital control signal based upon a combination of the first incoming real-time control signal and the second incoming control signal as seen in figures 1, 3, and 4; and wherein the first incoming real-time control signal, the second incoming control signal, and the at least one outgoing digital control signal comprise MIDI messages as seen in figure 3.

As recited in claim 18, Sgroi discloses the method, wherein both the first incoming real-time control signal and the second incoming control signal comprise values, and wherein the control signal processor performs one operation selected from the group consisting of: multiplication of the values of the first and second incoming control signals; addition of the values of the first and second incoming control signals as seen in figures 1 and 3.

As recited in claim 19, Sgroi discloses method, wherein a temporal sequence of the first and second incoming control signals is used to generate the at least one outgoing digital control signal as seen in figure 3.

As recited in claim 20, Sgroi discloses the method for processing an incoming real-time MIDI control signal, the method comprising: receiving the incoming real-time MIDI control signal; generating an outgoing real-time MIDI control signal, wherein said generating is performed by one or more message conversion methods selected from the group consisting of: changing an incoming MIDI note number value to an outgoing MIDI continuous controller value; changing an incoming MIDI note velocity value to an outgoing MIDI continuous controller value; changing an incoming MIDI continuous controller value to an outgoing MIDI note value; changing an incoming MIDI continuous controller value to an outgoing MIDI continuous controller value with scaling; changing an incoming MIDI continuous controller value to an outgoing MIDI continuous controller value with offset; changing an incoming MIDI continuous controller value to an outgoing MIDI continuous controller value with complementary magnitude; changing an incoming MIDI note number value to an outgoing MIDI note number value according to variably

transposed intelligent harmony that is controlled by the incoming real-time MIDI control signal; and communicating the generated outgoing real-time MIDI control signal to an external system via an outgoing control signal interface wherein the above is discussed in column 4, lines 19-23; column 6, lines 9-36; and as seen in figures 3, 4, and 10.

Sgroi does not disclose that the control signal generator is one of transient or low frequency oscillator. Sgroi does not provide MIDI input.

However, Gruenbaum discloses at least one control signal generator adapted to generate the at least one outgoing real-time digital control signal based on the at least one incoming control signal, wherein said at least one control signal generator is selected from the group consisting of a low frequency oscillator, and a transient generator (column 8, lines 1-6). Gruenbaum further provides MIDI in and MIDI out as seen in figures 8 and 9 (column 8, lines 7-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of Gruenbaum with Sgroi, because Gruenbaum allows MIDI input to be processed as well as provide a particular control signal generator for controlling the input signal, wherein Sgroi processes an input from a keyboard, wherein keyboards commonly provide MIDI. Gruenbaum provides limitations not provided by Sgroi.

#### ***Response to Arguments***


4. Applicant's arguments, see response, filed 05/09/2003, with respect to the rejection(s) of claim(s) 1-4, 7-15, and 18-20 under 35 USC 102, have been fully

considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Sgroi and Gruenbaum. While applicant's arguments are persuasive, Sgroi discloses most of the claimed invention. In view of the teachings that are not so clear or lacking, Gruenbaum is provided to meet those teachings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T Fletcher whose telephone number is 703-308-0848. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on 703-308-3370. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
Marlon T. Fletcher  
Primary Examiner  
Art Unit 2837

MTF  
August 25, 2003